



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

JRE
Docket No: 8633-98
7 February 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 3 February 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Navy on 20 May 1997. It appears that you enlistment was fraudulent, in that you willfully concealed your lengthy history of psychiatric treatment, which would have disqualified you from enlistment. You were discharged by reason of misconduct on 4 February 1998, based on nonjudicial punishments for thefts and unauthorized absence.

The Board noted that a discharge by reason of misconduct takes precedence over and precludes disability evaluation processing. In addition, it noted that there is no evidence in your naval health record which demonstrates that you were unfit by reason of physical disability because of a condition incurred in or aggravated by your brief period of service. It concluded that the matters raised by your mother in her letter attached to your application concerning alleged mistreatment were insufficient to demonstrate that your discharge was erroneous, or to warrant any corrective action in your case. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director